

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION
(37 C.F.R. § 1.63)

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **IMPROVED BETA-LACTAM ANTIBIOTICS**, the specification of which is attached hereto unless the following box is checked:

☐ is attached hereto

OR

☒ was filed on May 1, 2001 as United States Application Serial No. or PCT International Application No. _____ and was amended on _____ (if applicable).

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States of America listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application Number	Country	Foreign Filing Date (month/day/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
60/201,642	05/02/2000

I hereby claim the benefit under 35 U.S.C. § 120 of the United States application(s), or § 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in

the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (month/day/year)	Parent Patent Number (if applicable)

Please direct all communications to:

Antoinette F. Konski, Esq.
Baker & McKenzie
660 Hansen Way
Palo Alto, California 94304
Telephone: (650) 856-2400
Facsimile: (650) 856-9299

Please direct all telephone calls to Antoinette F. Konski at (650) 856-5564.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title of 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____ By: _____

Name: Ming Fai CHAN
Residence: 1642 Orchard Wood Road, Encinitas, CA 92024-5653
Citizenship: United States of America
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Date: _____ By: _____

Name: Rosario S. CASTILLO
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Date: _____ By: _____

Name: Qing LI
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Date: _____

By: _____

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Date: _____

By: _____

Name: Mark Stephen HIXON

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Citizenship: United States of America

Post Office Address: 11273 Spitfire Road, San Diego, CA 92126

Date: _____

By: _____

Name: Thomas J. LOBL

Residence: 620 Plymouth Lane, Foster City, CA 94404

Citizenship: United States of America

Post Office Address: 620 Plymouth Lane, Foster City, CA 94404

09847525-050101

ASSIGNMENT
(JOINT)

THIS ASSIGNMENT, by Ming Fai Chan, Rosario S. Castillo, Qing Li, Venkata Ramana Doppalapudi, Mark Stephen Hixon and Thomas J. Lobl (hereinafter referred to as the assignors), residing at 1642 Orchard Wood Road, Encinitas, CA 92024-5653; 10065 Canright Way, San Diego, CA 92126; 9248-A Regents Road, La Jolla, CA 92037; 10986 West Ocean Air Drive, #278, San Diego, CA 92130; 11273 Spitfire Road, San Diego, CA 92126 and 620 Plymouth Lane, Foster City, CA 94404, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in **IMPROVED BETA-LACTAM ANTIBIOTICS**, set forth in an application for Letters Patent in the United States, bearing Serial No. 09/847,525, filed on May 1, 2001; and

WHEREAS, NewBiotics, Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 11760 Sorrento Valley Road, Suite E, San Diego, California 92121 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application and any applications for Letters Patent which claim priority of the above-mentioned provisional application under 35 U.S.C. § 119(e), alone or in combination with 35 § U.S.C. 120 (hereinafter collectively referred to as an application for "Letters Patent") of the United States;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the joint and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said applications for Letters Patent and any patents to be obtained thereon, granted thereon is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal

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representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner for Patents to issue said applications for Letters Patent and patents granted thereon of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Oct. 23, 2001

Date

Ming Fai Chan

Name: Ming Fai Chan

Oct 25, 2001

Date

Rosario S. Castillo

Name: Rosario S. Castillo

Oct. 25, 2001

Date

Qing Li

Name: Qing Li

October 25, 2001

Date

Venkata Ramana Doppalapudi

Name: Venkata Ramana Doppalapudi

October 25, 2001

Date

Mark Stephen Hixon

Name: Mark Stephen Hixon

10/25/01

Date

Thomas J. Lobl

Name: Thomas J. Lobl